

THOMAS P. ZUGIBE  
DISTRICT ATTORNEY

Office of the  
**District Attorney**  
of Rockland County

1 SOUTH MAIN STREET  
SUITE 500  
NEW CITY, NEW YORK 10956-3556  
(845) 638-5001  
Fax # (845) 638-5298

**BY OVERNIGHT MAIL**

March 27, 2008

Honorable Mark D. Fox  
United States Magistrate Judge  
Southern District of New York  
300 Quarropas Street, Room 434  
White Plains, New York 10601

**MEMO ENDORSED**

**Re: Reuben Avent v. David Napoli  
08 CV 0932 (KMK)(MDF)  
Petition for a Writ of Habeas Corpus  
Request for an Enlargement of Time**

Your Honor:

I respectfully request an extension of time -- until June 6, 2008 -- in which to file Respondent's Affirmation and Memorandum of Law in this habeas corpus matter. This matter is presently due in this Court on April 5, 2008.

Although Your Honor's Order directed Respondent to file its answer within ninety days, I received the Order, which was dated January 5, 2008, one month later on February 6, 2008. While I requested the files of defendant's criminal case from archives upon receipt of the Order, I just received four boxes of files last week. Thus, I have not been able to work on my response.

In addition to preparing my Affirmation and Memorandum of Law in this case, I have several other pending matters I am working on, including

MARK D. FOX  
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3/28/08  
APPLICATION GRANTED  
SO ORDERED

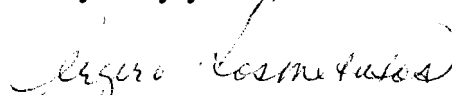
Respondent's Brief in People v. Horace Shackelford, which is due in the Appellate Division, Second Department by April 1, 2008, a People's Appeal in People v. Michael Mackenzie due on May 21, 2008, and five other briefs which are due in the next four weeks which require my editing, as well as several post-judgment motions due in local state court in the next two weeks.

Moreover, petitioner has submitted a lengthy petition raising numerous grounds for relief. Answering the petition requires extensive search of petitioner's file as well as broad legal research. In order to write the Affirmation, which would give this Court an overview of petitioner's legal and factual background, I must examine voluminous files and paperwork. Further, in order to answer each of petitioner's claims, I must read the transcripts of petitioner's lengthy trial and conduct legal research. Petitioner's claims encompass issues relating to both matters that occurred either at the pre-trial stages or during the trial itself. Among his claims are issues relating to trial counsel's effectiveness, prosecutorial misconduct and judicial error. While I began working on my response, I believe that completing it by the current due date would be extremely difficult.

For the above stated reasons, Respondent respectfully requests an extension of time, until June 6, 2008, in which to file its response.

Thank you in advance for your consideration to this request.

Very truly yours,



Argiro Kosmetatos  
Supervising Assistant DA  
(845) 638-5538

cc: Reuben Avent  
01-A-5796  
Southport Correctional Facility  
P.O. Box 2000  
Pine City, New York 14871